



General Assembly

January Session, 2003

Amendment

LCO No. **5427**

SB0096005427SR0

Offered by:

SEN. MCKINNEY, 28th Dist.

SEN. ANISKOVICH, 12th Dist.

SEN. SMITH, 14th Dist.

SEN. KISSEL, 7th Dist.

To: Subst. Senate Bill No. **960**

File No. 443

Cal. No. 308

"AN ACT CONCERNING DEBARMENT REFORM."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (Effective October 1, 2003) (a) Each contractor shall
4 include a disclosure statement when submitting a bid proposal to the
5 state or any of its agents, or to any political subdivision of the state or
6 any of its agents, for the construction, remodeling, refinishing,
7 refurbishing, rehabilitation, alteration or repair of any public works
8 project that meets or exceeds the criteria set forth in subsection (g) of
9 section 31-53 of the general statutes. Such disclosure statement shall
10 provide the history of the contractor, or any affiliate of the contractor,
11 including, but not limited to, any limited liability company formed by
12 an owner, officer, principal or employee of the contractor or formed by
13 other persons on behalf of the contractor during the five previous

14 calendar years concerning the following:

15 (1) Conviction or entry of a plea of guilty or nolo contendere for or
16 admission to the commission of a criminal offense as an incident to
17 obtaining or attempting to obtain a public or private contract or
18 subcontract, or in the performance of such contract or subcontract;

19 (2) Conviction or entry of a plea of guilty or nolo contendere or
20 admission to the violation of any state or federal law for
21 embezzlement, theft, forgery, bribery, falsification or destruction of
22 records, receiving stolen property or any other offense indicating a
23 lack of business integrity or business honesty which affects
24 responsibility as a contractor;

25 (3) Conviction or entry of a plea of guilty or nolo contendere or
26 admission to a violation of any state or federal antitrust, collusion or
27 conspiracy law arising out of the submission of bids or proposals on a
28 public or private contract or subcontract;

29 (4) A wilful failure to perform in accordance with the terms of one
30 or more public contracts, agreements or transactions;

31 (5) Litigation for failure to perform or for unsatisfactory
32 performance of one or more public contracts, agreements or
33 transactions;

34 (6) A wilful violation of a statutory or regulatory provision or
35 requirement applicable to a public contract, agreement or transaction;

36 (7) A citation with a substantial violation of part III of chapter 557 of
37 the general statutes, or chapter 558 of the general statutes, or the
38 provisions of the federal Davis-Bacon Act, 40 USC, Sections 276a to
39 276a-5, inclusive, as from time to time amended;

40 (8) A wilful or serious violation of any occupational safety and
41 health act or of any standard, order or regulation adopted pursuant to
42 such act, provided such violations were cited in accordance with the
43 provisions of any state occupational safety and health act or the

44 Occupational Safety and Health Act of 1970, 15 USC 651 et seq.;

45 (9) Any claim made against the contractor's surety bond due to
46 failure to perform or unsatisfactory performance for one or more
47 public contracts, agreements or transactions;

48 (10) Suspension, debarment proceedings or debarment from
49 participation in public contracts by any local, state or federal agency;

50 (11) Any arbitration or dispute resolution proceeding where there
51 was a finding of a material breach of contract; and

52 (12) Any agreement made in settlement of a dispute of a material
53 breach of contract.

54 (b) The awarding authority of the state or political subdivision of
55 the state shall evaluate a disclosure statement submitted pursuant to
56 subsection (a) of this section as satisfactory or unsatisfactory based on
57 the frequency or severity of violations disclosed. No contract shall be
58 awarded to a contractor whose disclosure statement is determined to
59 be unsatisfactory.

60 (c) For purposes of this section, "affiliate" means a person or entity
61 directly or indirectly controlled by or in control of a contractor."